

December 12, 2017

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street Southwest
Washington, DC 20554

Dear Chairman Pai:

We write today regarding your draft order—the *Restoring Internet Freedom Order* (“the Draft Order”)—and its potential impacts on students, schools, institutions of higher education, and public libraries. By overturning the Commission’s current rules that preserve net neutrality and prevent internet service providers (ISPs) from blocking, throttling, or otherwise privileging lawful content, we fear that the Draft Order could harm our nation’s students and schools—especially those in rural and low-income communities. We urge you to delay this monumental decision to dismantle net neutrality until you have fully examined the Draft Order’s impact on our nation’s students and their ability to learn.

In the past four years, P-12 schools have made enormous strides in improving access to high-speed connectivity for all students. In 2013, 40 million students were in schools not meeting the 100 kbps per student threshold. By 2017, only 6.5 million students were in schools not meeting this goal—narrowing this gap by 84 percent.¹ From early childhood education through higher education and workforce training, students need access to high-speed internet in order to learn and make the most of their educational experience.

The Draft Order runs counter to our national goal of affordable, high-speed internet for all students. By rolling back the FCC’s current prohibitions against blocking, throttling, and paid prioritization, the Draft Order could lead to a tiered and compartmentalized internet, and whose characteristic openness is limited to those students, schools, and institutions who can afford it. Beyond that, the Draft Order threatens to impede innovation that has taken place within the educational sphere, including when it comes to access to high-quality online coursework.

Our nation’s P-12 education system increasingly relies on an open internet to improve equity and access to high-quality content and instruction. Teachers depend on the internet to collaborate with colleagues and to access educational materials from around the globe. Entrepreneurs and educators alike have been able to develop high-quality educational technologies that support state standards and equip schools and teachers to personalize instruction. These technologies, which include educational apps and online coursework, help students learn valuable research and internet safety skills, and expand access to a high-quality education for students with disabilities and English learners. By allowing ISPs to limit access and increase costs, the Draft Order could threaten educational equity and exacerbate the digital divide.

Rural schools could be particularly harmed by the potential effects of the Draft Order. One recent analysis shows that the 77 percent of the schools that lack high-speed fiber connections are in rural

¹ “2017 State of the States.” September 2017. https://s3-us-west-1.amazonaws.com/esh-sots-pdfs/educationsuperhighway_2017_state_of_the_states.pdf, 3.

communities.² Despite the Draft Order's claim that the Commission's current rules have stifled investment in internet infrastructure and rural communities, independent studies have found that such investments by ISPs have largely remained stable³ and in some cases have increased in underserved areas.⁴ The Draft Order would neither protect fiscally-strapped schools and school districts from aggressive ISP pricing practices, nor would it guarantee any additional investment in underserved areas.

Institutions of higher education rely on an open internet to carry out both their educational and research missions. For instance, online coursework has grown significantly over the past decade: as of the fall of 2015, more than 6 million students enrolled in at least one online course, representing about 30 percent of enrollments, compared to less than 10 percent in the fall of 2002.⁵ Should the Draft Order be adopted, video lectures and online learning resources that are essential to institutions of higher education may be rendered unavailable by ISPs that decide to block them or otherwise privilege a competing resource. Additionally, basic research, which today more than ever relies upon frequent exchange of massive data sets online, could be severely impacted by a tiered and tolled internet. The Association of Research Libraries has stated that "if our institutions had to pay a fee in order to access these connections or download these digital files, it wouldn't happen."⁶ Resource-constrained public institutions of higher education, the biggest users of online coursework, which remain funded nearly \$9 billion below their per-student levels before the Great Recession, would particularly feel these constraints.⁷

The Draft Order may also disproportionately impact students whose only adequate connection to the internet is the one inside their classroom. Even in 2017, far too many students lack access to a reliable, high-speed internet connection outside their classrooms—at home or off-campus. According to a 2015 Pew Research Center analysis, approximately 5 million households with school-age children did not have high-speed internet at home.⁸ This analysis found that households with annual incomes under \$50,000 were more than three times as likely to lack a high-speed connection than those with incomes over \$50,000; nearly 40 percent of households with annual incomes under \$25,000—165 percent of full-time federal minimum wage⁹—did not have a high-speed connection.¹⁰ Coupled with the Commission's recent modifications to the Lifeline program and proposed changes to the critical Universal Service Fund's Schools and Libraries Program ("E-Rate") program, implementation of the Draft Order could further deepen the "digital divide," effectively limiting or outright denying internet access to the students who need it most.

² Ibid, 19.

³ "Capital Expenditures by Publicly Traded Broadband Providers (2013-2016)." April 26, 2017.

https://www.freepress.net/sites/default/files/resources/capital_expenditures_by_publicly_traded ISPs.pdf.

⁴ "It's Working: How the Internet Access and Online Video Markets Are Thriving in the Title II Era." May 2017.

<https://www.freepress.net/sites/default/files/resources/internet-access-and-online-video-markets-are-thriving-in-title-II-era.pdf>, 79.

⁵ Allen, I. Elaine, Ph.D., and Jeff Seaman, Ph.D. "Distance Education Enrollment Report 2017." May 2017.

<https://onlinelearningsurvey.com/reports/digitallearningcompassenrollment2017.pdf>, 4.

⁶ Leonor, Mel. "Educators see schools losing out in net neutrality rollback." December 04, 2017.

<https://www.politicopro.com/education/article/2017/12/educators-see-schools-losing-out-in-net-neutrality-rollback-198729>

⁷ Allen, I. Elaine, Ph.D., and Jeff Seaman, Ph.D. "Distance Education Enrollment Report 2017." May 2017.

<https://onlinelearningsurvey.com/reports/digitallearningcompassenrollment2017.pdf>, 4. Mitchell, Michael, Michael

Leachman, and Kathleen Masterson. "A Lost Decade in Higher Education Funding." August 23, 2017.

https://www.cbpp.org/sites/default/files/atoms/files/2017_higher_ed_8-22-17_final.pdf, 2.

⁸ Horrigan, John B. "The numbers behind the broadband 'homework gap.'" April 20, 2015. <http://www.pewresearch.org/fact-tank/2015/04/20/the-numbers-behind-the-broadband-homework-gap/>.

⁹ What are the annual earnings for a full-time minimum wage worker. August 30, 2016. <https://poverty.ucdavis.edu/faq/what-are-annual-earnings-full-time-minimum-wage-worker>.

¹⁰ Horrigan, John B. "The numbers behind the broadband 'homework gap.'" April 20, 2015. <http://www.pewresearch.org/fact-tank/2015/04/20/the-numbers-behind-the-broadband-homework-gap/>.

In summary, we are deeply concerned about the Draft Order's impact on our nation's education system. Subsequently, we ask that you delay your planned vote to roll back net neutrality and forever change the landscape of the internet until you can satisfactorily answer the following questions:

- The Draft Order fails to make a single mention of 'student' or 'students' in its 210 pages; to what extent did the Commission contemplate the Draft Order's impact on students and the programs, schools, and institutions of higher education that they attend?
- To what extent did the Commission contemplate the Draft Order's impact on public libraries and the communities they serve?
- What tangible and enforceable guarantees does the Draft Order provide for schools, institutions of higher education, and public libraries in rural areas, which face substantial barriers to accessing a high-speed internet connection?
 - What evidence does the Commission have that the Draft Order will provide superior connectivity over the regulatory regime currently in place?
- How will the Draft Order affect the E-Rate program, including the progress made in such program since the 2014 modernization order?
- Paragraph 256 of the Draft Order "reject[s] the contrary argument ISPs will engage in 'virtual redlining' because, as discussed, paid prioritization is likely to lead to increased network investment and lower costs to end users, particularly benefitting those on the wrong side of the digital divide."¹¹
 - What steps will the Commission take to ensure that ISPs do not engage in such behavior and that issues associated with the "digital divide" and the "homework gap" are not being actively exacerbated by the regulatory framework envisioned by the Draft Order?

We thank you for your consideration of these pressing issues. We look forward to your swift and detailed response.

Sincerely,


PATTY MURRAY
United States Senator


MARIA CANTWELL
United States Senator

¹¹ Federal Communications Commission, "In the Matter of Restoring Internet Freedom: WC Docket No. 17-108." November 22, 2017, http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db1122/DOC-347927A1.pdf, 147



RICHARD BLUMENTHAL
United States Senator

KIRSTEN GILLIBRAND
United States Senator



AMY KLOBUCHAR
United States Senator

EDWARD J. MARKEY
United States Senator



SHERROD BROWN
United States Senator



JACK REED
United States Senator



PATRICK J. LEAHY
United States Senator



RON WYDEN
United States Senator



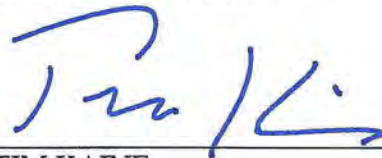
AL FRANKEN
United States Senator



TAMMY BALDWIN
United States Senator



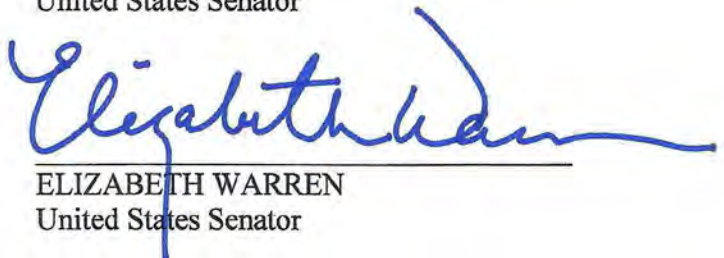
MAZIE K. HIRONO
United States Senator



TIM KAINE
United States Senator



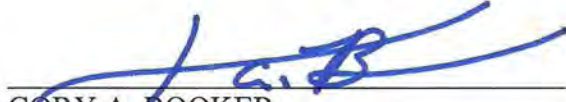
BERNARD SANDERS
United States Senator



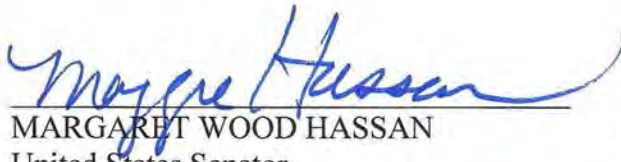
ELIZABETH WARREN
United States Senator



TAMMY DUCKWORTH
United States Senator



CORY A. BOOKER
United States Senator



MARGARET WOOD HASSAN
United States Senator



CATHERINE CORTEZ MASTO
United States Senator



JEANNE SHAHEEN
United States Senator



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

May 16, 2018

The Honorable Amy Klobuchar
United States Senate
302 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Klobuchar:

Thank you for your letter regarding the *Restoring Internet Freedom Order*, which returned to the light-touch regulatory framework that governed the Internet for almost twenty years while reestablishing the authority of the Federal Trade Commission to oversee the network management practices of Internet service providers.

At the dawn of the commercial Internet in 1996, President Clinton and a Republican Congress agreed that it would be the policy of the United States “to preserve the vibrant and competitive free market that presently exists for the Internet . . . unfettered by Federal or State regulation.” This bipartisan policy worked. Encouraged by light-touch regulation, the private sector invested over \$1.5 trillion to build fixed and mobile networks throughout the United States. Innovators and entrepreneurs grew technology startups into global giants. America’s Internet economy became the envy of the world.

Then, in early 2015, the FCC jettisoned this successful, bipartisan approach to the Internet and decided to subject the Internet to utility-style regulation designed in the 1930s to govern Ma Bell. This decision was a mistake. For one thing, there was no problem to solve. The Internet wasn’t broken in 2015. We weren’t living in a digital dystopia. To the contrary, the Internet had been a stunning success.

Not only was there no problem, this “solution” hasn’t worked. The main complaint that students, schools, institutions of higher education, and public libraries have about the Internet is not and has never been that their Internet service provider is blocking access to content. It’s that they don’t have enough competition between providers—or high-speed Internet access at all. As you recognize, “77 percent of the schools that lack high-speed fiber connections are in rural communities,” and “far too many students lack access to a reliable, high-speed internet connection outside their classrooms.” The 2015 regulations have made it harder to fix these problems. Under Title II, annual investment in high-speed networks declined by billions of dollars—the first time that such investment has gone down outside of a recession in the Internet era. And our recent Broadband Deployment Report shows that the pace of both fixed and mobile broadband deployment declined noticeably in the two years following the *Title II Order*.

Returning to the legal framework that governed the Internet from President Clinton’s pronouncement in 1996 until 2015 is not going to destroy the Internet. It is not going to end the

Internet as we know it. It is not going to undermine the free exchange of ideas or the fundamental truth that the Internet is the greatest free market success story of our lifetimes.

By returning to the light-touch Title I framework, we are helping consumers—including teachers and students, librarians and library patrons—by closing the digital divide and promoting competition. Broadband providers will have stronger incentives to build networks, especially in unserved areas, and to upgrade networks to gigabit speeds and 5G. This means there will be more access to high-speed services at anchor institutions and more competition among broadband providers. It also means more ways that companies of all kinds and sizes can deliver applications and content to more users. In short, it's a freer and more open Internet.

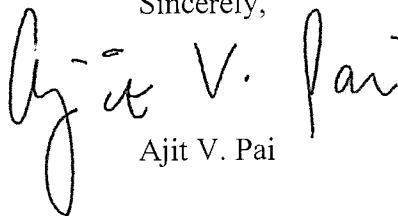
The *Restoring Internet Freedom Order* also promotes more robust transparency among ISPs than existed three years ago. It requires ISPs to disclose a variety of business practices, and the failure to do so subjects them to enforcement action. This transparency rule will ensure that consumers know what they're buying and that startups get information they need as they develop new products and services.

Moreover, we reestablish the Federal Trade Commission's authority to ensure that consumers and competition are protected. Two years ago, the *Title II Order* stripped the FTC of its jurisdiction over broadband providers by deeming them all Title II "common carriers." But now we are putting our nation's premier consumer protection cop back on the beat.

In sum, Americans—including students and library patrons of all ages and backgrounds—will still be able to access the websites they want to visit. They will still be able to enjoy the services they want to enjoy. There will still be regulation and regulators guarding a free and open Internet. This is the way things were prior to 2015, and this is the way they will be in the future.

I appreciate your interest in this matter. Your views are important and will be entered into the record of the proceeding. Please let me know if I can be of any further assistance.

Sincerely,

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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

May 16, 2018

The Honorable Bernard Sanders
United States Senate
332 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Sanders:

Thank you for your letter regarding the *Restoring Internet Freedom Order*, which returned to the light-touch regulatory framework that governed the Internet for almost twenty years while reestablishing the authority of the Federal Trade Commission to oversee the network management practices of Internet service providers.

At the dawn of the commercial Internet in 1996, President Clinton and a Republican Congress agreed that it would be the policy of the United States “to preserve the vibrant and competitive free market that presently exists for the Internet . . . unfettered by Federal or State regulation.” This bipartisan policy worked. Encouraged by light-touch regulation, the private sector invested over \$1.5 trillion to build fixed and mobile networks throughout the United States. Innovators and entrepreneurs grew technology startups into global giants. America’s Internet economy became the envy of the world.

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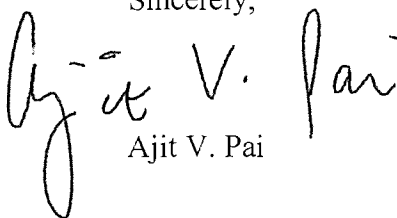
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Moreover, we reestablish the Federal Trade Commission's authority to ensure that consumers and competition are protected. Two years ago, the *Title II Order* stripped the FTC of its jurisdiction over broadband providers by deeming them all Title II "common carriers." But now we are putting our nation's premier consumer protection cop back on the beat.

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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

May 16, 2018

The Honorable Catherine Cortez Masto
United States Senate
B40A Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Cortez Masto:

Thank you for your letter regarding the *Restoring Internet Freedom Order*, which returned to the light-touch regulatory framework that governed the Internet for almost twenty years while reestablishing the authority of the Federal Trade Commission to oversee the network management practices of Internet service providers.

At the dawn of the commercial Internet in 1996, President Clinton and a Republican Congress agreed that it would be the policy of the United States “to preserve the vibrant and competitive free market that presently exists for the Internet . . . unfettered by Federal or State regulation.” This bipartisan policy worked. Encouraged by light-touch regulation, the private sector invested over \$1.5 trillion to build fixed and mobile networks throughout the United States. Innovators and entrepreneurs grew technology startups into global giants. America’s Internet economy became the envy of the world.

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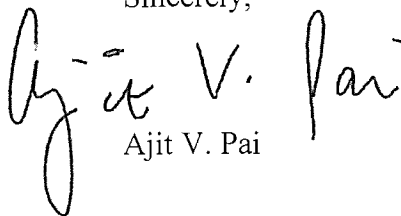
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

May 16, 2018

The Honorable Cory Booker
United States Senate
359 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Booker:

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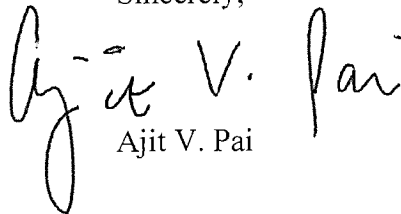
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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

May 16, 2018

The Honorable Edward J. Markey
United States Senate
255 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Markey:

Thank you for your letter regarding the *Restoring Internet Freedom Order*, which returned to the light-touch regulatory framework that governed the Internet for almost twenty years while reestablishing the authority of the Federal Trade Commission to oversee the network management practices of Internet service providers.

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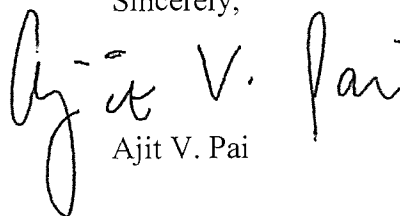
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Moreover, we reestablish the Federal Trade Commission's authority to ensure that consumers and competition are protected. Two years ago, the *Title II Order* stripped the FTC of its jurisdiction over broadband providers by deeming them all Title II "common carriers." But now we are putting our nation's premier consumer protection cop back on the beat.

In sum, Americans—including students and library patrons of all ages and backgrounds—will still be able to access the websites they want to visit. They will still be able to enjoy the services they want to enjoy. There will still be regulation and regulators guarding a free and open Internet. This is the way things were prior to 2015, and this is the way they will be in the future.

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Sincerely,

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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

May 16, 2018

The Honorable Elizabeth Warren
United States Senate
317 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Warren:

Thank you for your letter regarding the *Restoring Internet Freedom Order*, which returned to the light-touch regulatory framework that governed the Internet for almost twenty years while reestablishing the authority of the Federal Trade Commission to oversee the network management practices of Internet service providers.

At the dawn of the commercial Internet in 1996, President Clinton and a Republican Congress agreed that it would be the policy of the United States “to preserve the vibrant and competitive free market that presently exists for the Internet . . . unfettered by Federal or State regulation.” This bipartisan policy worked. Encouraged by light-touch regulation, the private sector invested over \$1.5 trillion to build fixed and mobile networks throughout the United States. Innovators and entrepreneurs grew technology startups into global giants. America’s Internet economy became the envy of the world.

Then, in early 2015, the FCC jettisoned this successful, bipartisan approach to the Internet and decided to subject the Internet to utility-style regulation designed in the 1930s to govern Ma Bell. This decision was a mistake. For one thing, there was no problem to solve. The Internet wasn’t broken in 2015. We weren’t living in a digital dystopia. To the contrary, the Internet had been a stunning success.

Not only was there no problem, this “solution” hasn’t worked. The main complaint that students, schools, institutions of higher education, and public libraries have about the Internet is not and has never been that their Internet service provider is blocking access to content. It’s that they don’t have enough competition between providers—or high-speed Internet access at all. As you recognize, “77 percent of the schools that lack high-speed fiber connections are in rural communities,” and “far too many students lack access to a reliable, high-speed internet connection outside their classrooms.” The 2015 regulations have made it harder to fix these problems. Under Title II, annual investment in high-speed networks declined by billions of dollars—the first time that such investment has gone down outside of a recession in the Internet era. And our recent Broadband Deployment Report shows that the pace of both fixed and mobile broadband deployment declined noticeably in the two years following the *Title II Order*.

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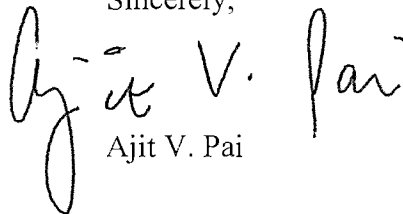
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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

May 16, 2018

The Honorable Jack Reed
United States Senate
728 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Reed:

Thank you for your letter regarding the *Restoring Internet Freedom Order*, which returned to the light-touch regulatory framework that governed the Internet for almost twenty years while reestablishing the authority of the Federal Trade Commission to oversee the network management practices of Internet service providers.

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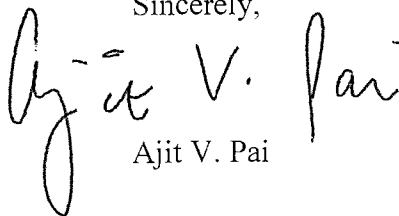
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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

May 16, 2018

The Honorable Jeanne Shaheen
United States Senate
506 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Shaheen:

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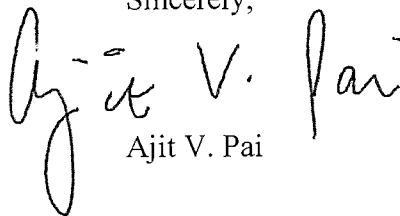
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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

May 16, 2018

The Honorable Kirsten Gillibrand
United States Senate
478 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Gillibrand:

Thank you for your letter regarding the *Restoring Internet Freedom Order*, which returned to the light-touch regulatory framework that governed the Internet for almost twenty years while reestablishing the authority of the Federal Trade Commission to oversee the network management practices of Internet service providers.

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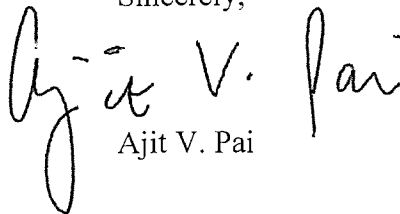
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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

May 16, 2018

The Honorable Maggie Hassan
United States Senate
B85 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Hassan:

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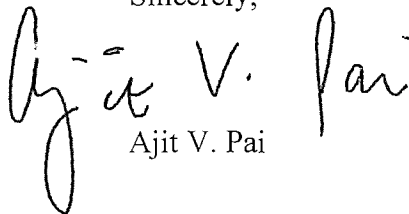
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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

May 16, 2018

The Honorable Maria Cantwell
United States Senate
511 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Cantwell:

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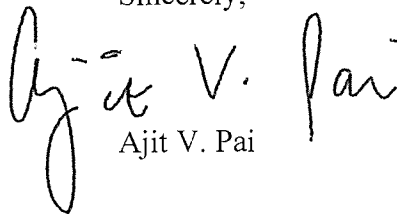
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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

May 16, 2018

The Honorable Mazie K. Hirono
United States Senate
330 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Hirono:

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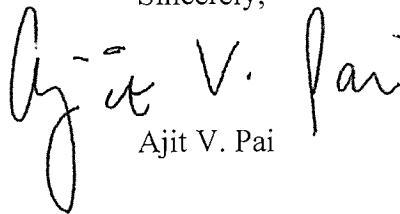
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Moreover, we reestablish the Federal Trade Commission's authority to ensure that consumers and competition are protected. Two years ago, the *Title II Order* stripped the FTC of its jurisdiction over broadband providers by deeming them all Title II "common carriers." But now we are putting our nation's premier consumer protection cop back on the beat.

In sum, Americans—including students and library patrons of all ages and backgrounds—will still be able to access the websites they want to visit. They will still be able to enjoy the services they want to enjoy. There will still be regulation and regulators guarding a free and open Internet. This is the way things were prior to 2015, and this is the way they will be in the future.

I appreciate your interest in this matter. Your views are important and will be entered into the record of the proceeding. Please let me know if I can be of any further assistance.

Sincerely,

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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

May 16, 2018

The Honorable Patrick J. Leahy
United States Senate
437 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Leahy:

Thank you for your letter regarding the *Restoring Internet Freedom Order*, which returned to the light-touch regulatory framework that governed the Internet for almost twenty years while reestablishing the authority of the Federal Trade Commission to oversee the network management practices of Internet service providers.

At the dawn of the commercial Internet in 1996, President Clinton and a Republican Congress agreed that it would be the policy of the United States “to preserve the vibrant and competitive free market that presently exists for the Internet . . . unfettered by Federal or State regulation.” This bipartisan policy worked. Encouraged by light-touch regulation, the private sector invested over \$1.5 trillion to build fixed and mobile networks throughout the United States. Innovators and entrepreneurs grew technology startups into global giants. America’s Internet economy became the envy of the world.

Then, in early 2015, the FCC jettisoned this successful, bipartisan approach to the Internet and decided to subject the Internet to utility-style regulation designed in the 1930s to govern Ma Bell. This decision was a mistake. For one thing, there was no problem to solve. The Internet wasn’t broken in 2015. We weren’t living in a digital dystopia. To the contrary, the Internet had been a stunning success.

Not only was there no problem, this “solution” hasn’t worked. The main complaint that students, schools, institutions of higher education, and public libraries have about the Internet is not and has never been that their Internet service provider is blocking access to content. It’s that they don’t have enough competition between providers—or high-speed Internet access at all. As you recognize, “77 percent of the schools that lack high-speed fiber connections are in rural communities,” and “far too many students lack access to a reliable, high-speed internet connection outside their classrooms.” The 2015 regulations have made it harder to fix these problems. Under Title II, annual investment in high-speed networks declined by billions of dollars—the first time that such investment has gone down outside of a recession in the Internet era. And our recent Broadband Deployment Report shows that the pace of both fixed and mobile broadband deployment declined noticeably in the two years following the *Title II Order*.

Returning to the legal framework that governed the Internet from President Clinton’s pronouncement in 1996 until 2015 is not going to destroy the Internet. It is not going to end the

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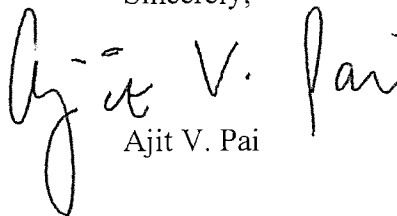
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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

May 16, 2018

The Honorable Patty Murray
United States Senate
154 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Murray:

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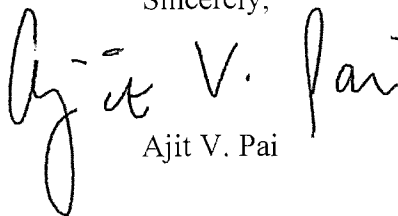
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

May 16, 2018

The Honorable Richard Blumenthal
United States Senate
706 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Blumenthal:

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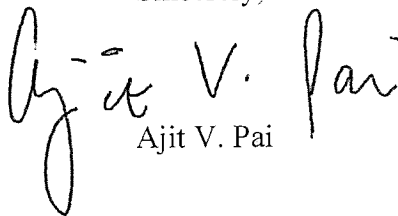
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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

May 16, 2018

The Honorable Ron Wyden
United States Senate
221 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Wyden:

Thank you for your letter regarding the *Restoring Internet Freedom Order*, which returned to the light-touch regulatory framework that governed the Internet for almost twenty years while reestablishing the authority of the Federal Trade Commission to oversee the network management practices of Internet service providers.

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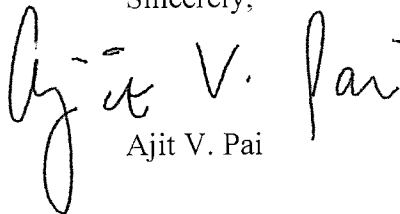
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

May 16, 2018

The Honorable Sherrod Brown
United States Senate
713 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Brown:

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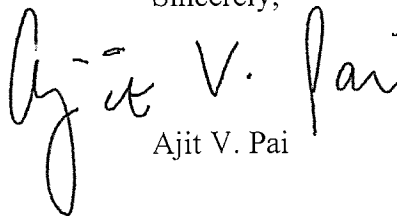
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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

May 16, 2018

The Honorable Tammy Baldwin
United States Senate
717 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Baldwin:

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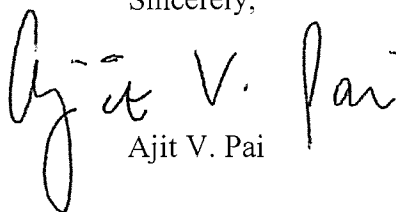
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

May 16, 2018

The Honorable Tammy Duckworth
United States Senate
G12 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Duckworth:

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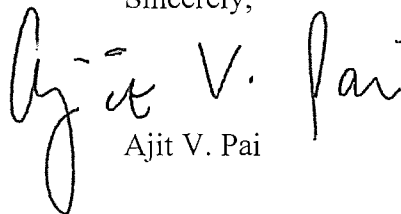
The *Restoring Internet Freedom Order* also promotes more robust transparency among ISPs than existed three years ago. It requires ISPs to disclose a variety of business practices, and the failure to do so subjects them to enforcement action. This transparency rule will ensure that consumers know what they're buying and that startups get information they need as they develop new products and services.

Moreover, we reestablish the Federal Trade Commission's authority to ensure that consumers and competition are protected. Two years ago, the *Title II Order* stripped the FTC of its jurisdiction over broadband providers by deeming them all Title II "common carriers." But now we are putting our nation's premier consumer protection cop back on the beat.

In sum, Americans—including students and library patrons of all ages and backgrounds—will still be able to access the websites they want to visit. They will still be able to enjoy the services they want to enjoy. There will still be regulation and regulators guarding a free and open Internet. This is the way things were prior to 2015, and this is the way they will be in the future.

I appreciate your interest in this matter. Your views are important and will be entered into the record of the proceeding. Please let me know if I can be of any further assistance.

Sincerely,

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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

May 16, 2018

The Honorable Tim Kaine
United States Senate
231 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Kaine:

Thank you for your letter regarding the *Restoring Internet Freedom Order*, which returned to the light-touch regulatory framework that governed the Internet for almost twenty years while reestablishing the authority of the Federal Trade Commission to oversee the network management practices of Internet service providers.

At the dawn of the commercial Internet in 1996, President Clinton and a Republican Congress agreed that it would be the policy of the United States “to preserve the vibrant and competitive free market that presently exists for the Internet . . . unfettered by Federal or State regulation.” This bipartisan policy worked. Encouraged by light-touch regulation, the private sector invested over \$1.5 trillion to build fixed and mobile networks throughout the United States. Innovators and entrepreneurs grew technology startups into global giants. America’s Internet economy became the envy of the world.

Then, in early 2015, the FCC jettisoned this successful, bipartisan approach to the Internet and decided to subject the Internet to utility-style regulation designed in the 1930s to govern Ma Bell. This decision was a mistake. For one thing, there was no problem to solve. The Internet wasn’t broken in 2015. We weren’t living in a digital dystopia. To the contrary, the Internet had been a stunning success.

Not only was there no problem, this “solution” hasn’t worked. The main complaint that students, schools, institutions of higher education, and public libraries have about the Internet is not and has never been that their Internet service provider is blocking access to content. It’s that they don’t have enough competition between providers—or high-speed Internet access at all. As you recognize, “77 percent of the schools that lack high-speed fiber connections are in rural communities,” and “far too many students lack access to a reliable, high-speed internet connection outside their classrooms.” The 2015 regulations have made it harder to fix these problems. Under Title II, annual investment in high-speed networks declined by billions of dollars—the first time that such investment has gone down outside of a recession in the Internet era. And our recent Broadband Deployment Report shows that the pace of both fixed and mobile broadband deployment declined noticeably in the two years following the *Title II Order*.

Returning to the legal framework that governed the Internet from President Clinton’s pronouncement in 1996 until 2015 is not going to destroy the Internet. It is not going to end the

Internet as we know it. It is not going to undermine the free exchange of ideas or the fundamental truth that the Internet is the greatest free market success story of our lifetimes.

By returning to the light-touch Title I framework, we are helping consumers—including teachers and students, librarians and library patrons—by closing the digital divide and promoting competition. Broadband providers will have stronger incentives to build networks, especially in unserved areas, and to upgrade networks to gigabit speeds and 5G. This means there will be more access to high-speed services at anchor institutions and more competition among broadband providers. It also means more ways that companies of all kinds and sizes can deliver applications and content to more users. In short, it's a freer and more open Internet.

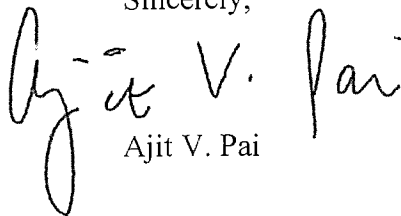
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